

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.9.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.29073 of 2007

C.Mani

.. Petitioner

vs.

The Revenue Divisional Officer,
Tirchengodu Division,
Tirchengodu,
Namakkal District.

.. Respondent

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to release the tractor and trailer bearing Registration No.TN 28 H 0742 seized on 31.08.2007 to the petitioner.

For petitioner : Mr.N.Subramani

For respondent : Mr.A.Arumugam, Addl. Govt. Pleader

O R D E R

With the consent of the learned counsels appearing on either side, the writ petition is taken up for final disposal.

2. The writ petition has been filed by the petitioner to release the tractor and trailer, bearing Registration No.TN 28 H 0742, seized on 31.08.2007, by the District Collector for transporting rough stones without the necessary permit and other relevant documents. It has been submitted by the petitioner that even after verifying the records, the District Collector, Namakkal, had seized the vehicle and handed over the same to the respondent without issuing any seizure mahazar to the driver of the vehicle. The vehicle is kept in the custody of the Inspector of Police, Tiruchengodu Police Station.

3. Mr.A.Arumugam, the learned Additional Government Pleader, appearing on behalf of the respondent, had submitted that the adjudication with regard to the seized vehicle had been completed and an order had been passed, on 3.9.2007, by the respondent in Na.Ka.No.6302/07(P). In such circumstances, it is open to the petitioner, to file an appeal against the

said order, under Rule 36-C of the Tamil Nadu Minor Minerals Concession Rules, 1959.

4. In view of the submissions made by the learned counsels appearing for the parties concerned, the writ petition is dismissed, making it clear that it is open for the petitioner to prefer an appeal, against the order passed by the respondent on 3.9.2007 in Na.Ka.No.6302/07(P) within 30 days from the date of receipt of a copy of this order, as provided under Rule 36-C of the Tamil Nadu Minor Minerals Concession Rules, 1959. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

akv

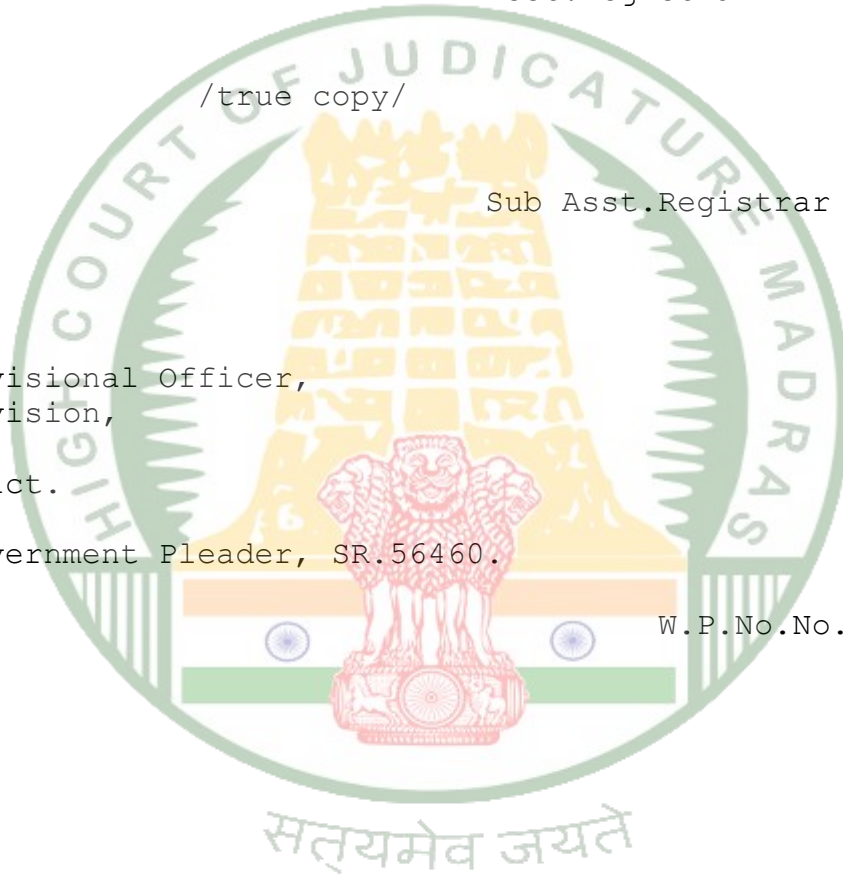
To

The Revenue Divisional Officer,
Tirchengodu Division,
Tirchengodu,
Namakkal District.

1 cc To The Government Pleader, SR.56460.

W.P.No.No.29073 of 2007

VRK (CO)
RVL 25.09.2007



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